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7 **IN THE UNITED STATES DISTRICT COURT**
8 **IN AND FOR THE WESTERN DISTRICT OF WASHINGTON**

9 NATHEN BARTON,

10 Plaintiff,

11 v.

12 JOE DELFGAUW, XANADU
13 MARKETINGITNC., THE CREDIT PROS
14 INTERNATIONAL CORPORATION,
15 EXPERIAN INFORMATION
16 SOLUTIONS INC., LGNB LLC,
17 STARTER HOME INVESTING INC,
18 TORT EXPERTS LLC, LAW OFFICE OF
19 TOM WAGSTAFF, JR., LLC, LEARNER &
20 ROWE, PC DV INJURY LAW PLLC, &
21 JOHN DOE 1-10,

22 Defendants.

CASE NO. 3:21-cv-05610-RJB

**DEFENDANTS' REPLY TO RESPONSE
TO MOTION FOR INVOUNTARY
DIMSSAL FOR FRAUD UPON THE
COURT.**

NOTED FOR : Friday February 25, 2022

18 JOE DELFGAUW and ZANADU
19 MARKETING INC.,

20 Counterclaimants,

21 v.

22 NATHEN BARTON,

Counter Defendant.

DEFEDANTS' REPLY TO RESPONSE TO MOTION FOR INVOLUTARY
DISMISSAL FOR FRAUD UPON THE COURT

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COMES NOW defendants JOE DELFGAUW and XANADU MARKETING INC and
 Reply to the Response to Defendants' Motion for Involuntary Dismissal for Fraud Upon the
 Court.

BARTON, in his response, at page 2 lines 5 through are hearsay and should be
 "ignored.". This reference is to the content of BARTON's Facebook page. A copy of that is
 provided in the declaration that accompanies Defendant's counsel's declaration in support of
 this motion¹. BARTON wants to have his cake and eat it too. He wants to be able to make
 statements all over the internet but not have those statements be used in litigation.

With regard to attorney fees, BARTON states in his response that he could have "been
 more precise" and that he would only claim attorney fees if he retained an attorney. He
 attempts to write this off as poor wording on his behalf, however, in the Amended Complaint
 he clearly states, "Barton has consulted with an attorney in his matter and **is obligated to pay**
that attorney the just and proper rate as agreed to in the attorney engagement
agreement". He clearly states that he **is obligated to pay** and now that he has been caught
 lying to the court and attempting to extort money he is not entitled to, he deletes the evidence
 and files this response further committing fraud on the court. This is precisely the type of
 actions that this motion addresses.

With regard to the GPS coordinates, there is no information omitted by Defendants as
 BARTON claims. What was attached as Exhibit B to the motion is the full report and all
 allegations and arguments made are based on that document alone. Defendants conceded that

¹ Curiously, after filing this motion, that Facebook posting was removed

1 that the reports are slightly different, however, when the report BARTON provided as his
2 Exhibit A is compared to the report Defendants provided, 6 of the 8 locations match.

3 BARTON is claiming that there are only 4 that match, which is yet another
4 misrepresentation to the Court. One of the two that do not match is the 4th set of coordinates
5 listed on BARTON's report, however, when compared to the 6th set of coordinates listed on
6 our report, the latitude is only off by .00002 and the longitude by .00017. These two different
7 sets of coordinates are basically the same and would show a location within the same general
8 area. This means that only one of the eight sets of GPS coordinates show a significant
9 difference.
10

11 As shown Defendants' motion, BARTON, for example created a table on page 20 of
12 his motion to take judicial notice of IP Address inaccuracy and next to his entry for
13 [iplocation.net](#) he placed the word, "Complicated" and footnote 13. Footnote 13 states, "Results
14 varied from a residence 3 miles from Barton to the Vancouver mayor's office to a prison
15 complex 489 miles from Barton". He does address the Vancouver mayor's office, but makes
16 no mention of the California prison, which also does not appear on his Exhibit A, which he
17 now claims is the [iplocation.net](#) report he references in his motion and thus proving that he lied
18 about the "prison complex 489 miles from Barton". This brings the total of lies thus far to 3.
19 As for the Vancouver Mayor's office, Defendants concede that one, yet it does show how
20 BARTON continues to manipulate the facts. The Ip searches are inaccurate unless it benefits
21 him. He cannot have it both ways.
22

1 BARTON attempts to justify his motion to take judicial notice of Delfgauw's
 2 conviction as being done for the purpose of, "attacking a witness's character for truthfulness".
 3 However, nowhere in his amended complaint does he allege that Mr. Delfgauw lied or was
 4 dishonest. Surely BARTON will at some point attempt to allege Mr. Delfgauw has come into
 5 business assets, but that is not an allegation of dishonesty but rather an allegation of bad
 6 business practice. BARTON is so caught up in blame shifting and red herrings that he
 7 completely glosses over the fact that BARTON himself highlighted the upper limits of the
 8 irrelevant information while burying the actual sentence imposed and restitution paid by Mr.
 9 Delfgauw in BARTON's ongoing attempt to deceive and manipulate the court.

10 Mr BARTON must be stopped by this court and shown that such actions cannot be
 11 cured by simply "apologizing to the court" and claiming "oopsie". His actions are damaging
 12 to the Defendants and to the legal system.

13 Respectfully submitted this 24th day of February, 2022..

14 s/Donna Gibson

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